IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 13959 of 2000

Between:

M/s. Shriram Transport Finance Co. Ltd.,
Rep. Field Officer - S.Chandra Sekhar, S/o Simhachalam.
O/o. Door No. 10-2-274/5, 2nd Floor, L.B.Estate, S.P.Road,
Secunderabad-3.

..... PETITIONER

AND

1 Mohd. Afzal, S/o. Mohd. Mahaboob Ali.
R/o H.No.9-26, Near NFC Factory, Ashok Nagar,
Hyderabad.
2 District Consumer Disputes Redressal Forum-II,
9th Floor, Chandra Vihar, Opp: Gandhi Bhavan,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Prohibition declaring the action of the 2nd respondent in proceeding with the Penalty Petition No.44/2000 (P.P.No.44/2000) pending I.A.No.518/2000 in F.A.No.272/2000 before the A.P. State Consumer Disputes Redressal Commission, Hyderabad, is erroneous and exceeding jurisdiction and as such the same is liable to be prohibited from continuing the proceedings and pass such other order or orders as Hon'ble Court may deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.KOKA SRINIVAS KUMAR
Counsel for the Respondent No.1: None Appeared
Counsel for the Respondent No.2: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R: (Per Hon'ble Sri Justice B.Sudershan Reddy)

The proceedings initiated by the petitioner herein in F.A.No.272 of 2000 before the State Consumer Disputes Redressal Commission, Hyderabad (for short "the Commission") are required to be disposed of on its own merits. The Writ Petition appears to have been filed only on the ground that the Commission was not sitting at the relevant time since no President has been appointed to preside over the Commission and thus, no orders of stay could be obtained in I.A.No.518 of 2000 in F.A.No.272 of 2000 filed before the Commission by the petitioner.

In view of the functioning of the Commission as at present, it shall be open to the petitioner to press for orders in I.A.No.518 of 2000 in F.A.No.272 of 2000. It is for the petitioner to take appropriate steps for disposal of F.A.No.272 of 2000 pending on the file of the Commission. This Writ Petition is not required to be adjudicated on its merits since the petitioner had already availed alternative remedy by preferring the appeal before the Commission against the orders of the District Consumer Forum-II, Hyderabad.

The Writ petition shall accordingly stand dismissed without expressing any opinion on the merits of the case. No costs.

_____

B.SUDERSHAN REDDY, J.

Dated:01.11.2004

_____

K.C.BHANU, J.

gs/ks

To

1 The Registrar, District Consumer Disputes Redressal Forum-II,
9th Floor, Chandra Vihar, Opp: Gandhi Bhavan,
Hyderabad.

2. 2CCs to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)

3. 2CD copies